

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY



Order Filed on January 29, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:
Kyle L Smith

Debtor(s).

Case No.: 17-10159


Chapter: 13

Judge: Andrew B. Altenburg, Jr.

**ORDER GRANTING MOTION AND PERMITTING DEBTOR
TO ENTER INTO LOAN MODIFICATION AGREEMENT**

The relief set forth on the following page, numbered two, is hereby **ORDERED**.

DATED: January 29, 2019



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

THIS MATTER having been opened to the Court upon motion requesting the entry of an Order approving a loan modification agreement between the Debtor(s) and NewRez LLC (“Creditor”) Doc. No. 73 (the “Motion”) and no objections have been filed, and sufficient cause shown,

It is hereby **ORDERED** that:

1. The Motion is hereby granted and the Debtor is permitted to enter into the loan modification agreement with Creditor attached as an Exhibit to the Motion (the “Agreement”);
2. The Mortgage secured by real property owned by the Debtor as identified in the Agreement is hereby modified in accordance with the terms set forth in the Agreement.
3. The Chapter 13 Trustee shall suspend disbursements to Creditor pending completion of loan modification as set forth in the Agreement and all money that would otherwise be paid to Creditor, be held until the arrearage portion of the claim is amended to zero, or the claim is withdrawn, or the Trustee is notified by the Creditor that the modification was not consummated;
4. If post-petition arrears are capitalized into the loan modification, the Creditor shall file an amended post-petition claim within thirty (30) days of the date of this Order. Upon receipt of an amended post-petition claim, the Trustee may disburse the funds being reserved pursuant to this order to other creditors in accordance with provisions of the confirmed plan;
5. The Creditor shall notify the Trustee and the Debtor’s attorney in the event the modification is not consummated. Any money that was held by the Trustee for the Creditor pursuant to a timely proof of claim pending completion of the modification shall then be paid to Creditor;
6. Debtor shall file an Amended Schedule J and Modified Plan within twenty (20) days of this Order;
7. Communication and/or negotiations between Debtor and mortgagees/mortgage servicers about loan modification shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against the other in any subsequent litigation.
8. The Debtors shall provide the Trustee with a fully executed copy of the Agreement upon completion.

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
District of New Jersey

In re:
Kyle L. Smith
Debtor

Case No. 17-10159-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jan 29, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 31, 2019.

db Kyle L. Smith, 2930 N Congress Rd, Camden, NJ 08104-2912

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 31, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 29, 2019 at the address(es) listed below:

Adam Jason Friedman on behalf of Creditor Fay Servicing LLC bankruptcy@friedmanvartolo.com
Charles H. Jeanfreau on behalf of Creditor BSI Financial Services as servicer for Ventures Trust 2013-I-H-R by MCM Capital Partners, LLLP FKA MCM Capital Partners, LLC, its Trustee Charlesj@w-legal.com, BNCmail@w-legal.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Laura M. Egerman on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as Trustee for Ventures Trust 2013-I-H-R, A Delaware Trust bkyecf@rasflaw.com, bkyecf@rasflaw.com;legerman@rasnj.com
R. A. Lebron on behalf of Creditor FAY SERVICING LLC, as servicer for WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR VENTURES TRUST 2013-I-H-R, A DELAWARE TRUST bankruptcy@feinsuch.com
Sindi Mncina on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Hilldale Trust smncina@rascrane.com
Steven P. Kelly on behalf of Creditor New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing skelly@sterneisenberg.com, bkecf@sterneisenberg.com
Steven P. Kelly on behalf of Creditor NewRez LLC, F/K/A New Penn Financial, LLC, D/B/A Shellpoint Mortgage Servicing skelly@sterneisenberg.com, bkecf@sterneisenberg.com
Tamika Nicole Wyche on behalf of Debtor Kyle L. Smith dpdlawyer@comcast.net, G30609@notify.cincompass.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 12